

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is not clearly understood because the phrase "particularly for motor vehicles" might or might not require the sound-insulating composite part to be for motor vehicles. The claim has been read as if the phrase was not included.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0249939 in view of Brown et al. (6,197,403).

EP 0249939 discloses a sound-insulating composite part for a vehicle comprising a heavy layer (1) and at least one absorber layer (4) made of open-pored, elastic absorbing material, as disclosed on lines 12-22 of column 3. The heavy material (1) forms multiple webs (2), as shown in Figure 6. The webs (2) are pressed through the absorber layer (4), as disclosed on lines 36-46 of column 3, such that the webs (2) divide the absorber layer (4) into multiple

areas that project like cushions in relation to the webs, as shown in Figure 6. Figure 7 shows the absorber areas having different sizes. In reference to claim 4, the absorber layer is made of polyurethane foam of polyether type, as disclosed on lines 16-18 of column 3. However, EP 0249939 does not disclose the absorber layer having different thicknesses.

Brown et al. teach forming a sound-insulating part with an absorber layer (28) of different thicknesses.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the absorbing layer of EP 0249939 of different thicknesses, as taught by Brown et al., to provide the optimum amount of absorbing material in each place while keeping weight to a minimum.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of references, as applied to claim 1, in view of EP 0798160.

EP 0249939, as modified, does not disclose the claimed variation of dimensions of the web. In reference to claim 3, the heavy layer material has a different thickness at the location of the webs relative to the thickness of the heavy layer material at the location with no webs. EP 0798160 teaches forming ribs (22) of varying heights to provide different characteristics. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the webs of EP 0249939, as modified, with different heights to provide the part with different strength and stiffness at different locations.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of references, as applied to claim 1.

EP 0249939, as modified, does not disclose the claimed material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the absorber layer of EP 0249939, as modified, with a foam having a compression hardness of not less than 4kpa and a permanent set upon prior compression by 50% and a 72-hour storage at 70°C in the range from 3-6% to provide adequate noise insulation.

7. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of references, as applied to claim 1, in view of Khambete et al. (6,631,785).

EP 0249939, as modified, does not disclose another absorber layer on the heavy layer. Khambete et al. teach a composite part having a heavy layer (14) with an absorbing layer (12) on one side and carpet (18) and another absorbing layer (16) on the side opposite the absorbing layer (12), as shown in Figure 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add carpet and an absorbing layer to the heavy layer of EP 0249939, as modified, on the side opposite the absorbing layer of EP 0249939, as taught by Khambete et al., to improve the sound insulating properties of the part.

***Allowable Subject Matter***

8. Claims 9 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY BLANKENSHIP whose telephone number is (571)272-6656. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Blankenship/  
Examiner, Art Unit 3612  
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